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# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके :  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

## LOK SABHA

The following Bills were introduced in Lok Sabha on the 20th February, 1981:—

BILL No. 174 OF 1980

*A Bill to provide for the utilization of marginal forest land by the landless poor for their social and economic security simultaneously with the development of forests.*

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Utilization of Marginal Forest Land for Social Security Act, 1980.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act,—

(a) “garden” means fruit garden having trees like mango, coconut, tamarind, cashewnut and other fruit-bearing trees or any other tree suggested by the forest department;

(b) “Government” means Central Government;

(c) “landless poor” means a person who is not having more than one hectare of land and having no other means of livelihood;

Short  
title,  
extent  
and  
commen-  
cement.

Defini-  
tions.

(d) "marginal land" means the land to be demarcated by the Government under section 3 as marginal land in the reserved forests;

(e) "prescribed" means prescribed by rules under this Act;

(f) "reserved forest" means a forest as defined in the Indian Forest Act, 1927.

16 of 1927.

Demarcation of marginal land.

3. The Government shall demarcate the marginal land in the reserved forests fit for raising gardens.

Allotment of marginal land to landless poor. Raising of gardens, etc. in the marginal land.

4. The Government shall distribute the marginal land by allotment of not more than two hectares of such land to each of the landless poor, in the manner as may be prescribed by rules, giving priority to Scheduled Tribes, Scheduled Castes, backward classes and economically weaker sections of the people.

5. An allottee of land in the marginal land (hereinafter called the allottee) shall be entitled to raise gardens in that land, inter-cultivate the land, dig wells to irrigate the gardens and the crops.

Rights of the marginal land holder.

6. The allottee shall have the right only to enjoy the usufruct of the trees in the marginal land, cultivated crops, minor produce or grass, if any, in that land but shall not be entitled to cut the trees.

Duties of allottees and forest officers in certain cases.

7. (1) If any tree falls on its own then the allottee shall report the matter to the forest department.

(2) On receiving the information under sub-section (1), a forest officer, not lower in rank than a forest ranger, shall auction the tree and deliver the proceeds to the peasant allottee concerned.

Government to give financial assistance.

8. (1) The Government may give financial assistance, as may be prescribed by rules, to the allottees to raise the gardens in the form of long-term loans and subsidies.

(2) The Government shall issue directive to nationalised and other banks, cooperative credit banks and societies to give financial assistance to the allottees in the form of long-term loans.

Repayment of loans.

9. The loan shall be repayable after a gestation period of three years from the receipt of the loan by the allottee.

Power to make rules.

10. The Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

## STATEMENT OF OBJECTS AND REASONS

The extent of forests in our country is considered to be inadequate and therefore the Government is trying to increase the area of the forests. But the landless poor are pressing the Government to deserve the forests and give land for cultivation.

Under these circumstances a policy is to be formulated which can simultaneously help to develop forests and also quench the land hunger of the poor people. There is lakhs and lakhs of acres of marginal land in reserved forests which can be used to raise gardens with various fruit trees like mango, tamarind, cashewnut and other fruit-bearing trees. These lands can be distributed to landless poor and they can be asked to raise gardens by assisting them financially with the right only to enjoy the usufruct of the trees, the intercultivated crops, minor forest produce or grass in that land but without the entitlement to cut down the trees. In this way, these people will have some income to stand upon and will get the much needed economic security. This will ensure both the social security to the landless poor and also the environmental ecology.

Hence this Bill.

NEW DELHI;  
*July* 10, 1980.

P. RAJAGOPAL NAIDU

## FINANCIAL MEMORANDUM

The demarcation, distribution and allotment of marginal land will be done by the existing forest and revenue authorities. However, under clause 8 of the Bill, the financial assistance will be given by the Government or by the banks or cooperative credit banks and societies. Therefore, to implement this scheme, a recurring expenditure of about rupees one crore is likely to be incurred from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides for prescribing the manner in which the marginal land is to be distributed. Clause 8 provides for prescribing the manner in which financial assistance is to be given to the landless poor who get the marginal land in the reserved forests, Clause 10 of the Bill empowers the Government to make rules for giving effect to the provisions of the Bill. Since the rules will relate to the matters of detail, the delegation of legislative power is, therefore, of a normal character.

## BILL NO. 178 OF 1980

*A Bill further to amend the University Grants Commission Act, 1956.*

BE it enacted by Parliament in the Thirty-first year of the Republic of India as follows:—

1. This Act may be called the University Grants Commission (Amendment) Act, 1980.

Short  
title.

3 of 1956.

2. In section 5 of the University Grants Commission Act, 1956 (hereinafter referred to as the principal Act),—

Amend-  
ment of  
section 5.

(i) in sub-section (1), in clause (iii), for the word “ten”, the word “fourteen” shall be substituted;

(ii) in sub-section (3), clause (c) shall be re-numbered as clause (d) thereof and before clause (d) as so re-numbered, the following clause shall be inserted, namely:—

“(c) not less than four shall be chosen from among persons who are, at the time when they are so chosen, non-teaching staff of Universities;”.

3. In section 12 of the principal Act, in clause (c), after the existing provisos, the following proviso shall be inserted, namely:—

Amend-  
ment of  
section 12.

“Provided further that the Commission shall provide grants to Universities to enable them to have a uniform salary structure for all its employees, both teaching and non-teaching;”.

Insertion  
of new  
sections  
12B and  
12BB.

4. After section 12A of the principal Act, following sections shall be inserted, namely:—

Guidelines  
in respect  
of salaries  
and other  
service  
conditions  
of em-  
ployees.

“12B. The Commission shall lay down guidelines in respect of salaries and other service conditions of all University employees, both teaching and non-teaching.

No grants  
to be  
given to  
University  
which fails  
to comply  
with the  
guidelines  
laid down  
under sec-  
tion 12B.

12BB. No grants shall be given by the Central Government, or the Commission, or any other organisation receiving any funds from the Central Government, to a University which fails to comply with the guidelines laid down under section 12B.”.

## STATEMENT OF OBJECTS AND REASONS

The University Grants Commission Act, 1956 is meant to provide for co-ordination and determination of standards in Universities and for that purpose, the University Grants Commission has been established thereunder.

In fulfilment of these objectives, it is necessary that the law provides for regulation of relations between the teaching and non-teaching staff of the Universities on the one hand and the Administration of the Universities on the other. The law, as it stands, does deal with the regulation of relations with the teaching staff, leaving out of its purview the non-teaching staff. This lacuna needs to be removed. The Bill seeks to do this.

GEORGE FERNANDES.

NEW DELHI;

July 15, 1980.

## BILL NO. 1 OF 1981

*A Bill to provide for financial and other assistance in respect of the disabled and for the support of voluntary organisations and private organisations concerned with providing facilities for the welfare, shelter, employment, training and day-care of disabled persons.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short  
title,  
extent  
and com-  
mence-  
ment.

1. (1) This Act may be called the Disabled Persons Welfare Act, 1981.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Defini-  
tions.

2. In this Act, unless the context otherwise requires,—

(a) “assessment” in relation to a disabled person means the process of assessing the various factors involved in determining his potential capacity to benefit from training, sheltered employment and day care;



(b) "Board" means Disabled Persons Welfare Board established under section 4;

(c) "day care" means the care of a disabled person for a period during the day under adequate supervision in an occupational Centre;

(d) "disabled person" means any person who suffers from physical or mental disablement to such a degree that he is seriously limited in the extent to which he can engage in the activities, pursuits, and processes of everyday life;

(e) "Fund" means Disabled Persons Welfare Fund constituted under section 6;

(f) "Government" means Central Government;

(g) "Local authority" means a Panchayat, a Municipality or a Corporation or a Samiti or Zilla Parishad;

(h) "sheltered employment" means employment for disabled persons in suitable occupations under conditions less stringent than those found in normal work situations;

(i) "Specialist" means a medical practitioner employed as a specialist in any Government Hospital;

(j) "training" means the training of the disabled person to enable him to undertake suitable work whether full time or part time;

3. The Government shall—

(a) assist and encourage disabled persons to become socially and financially independent;

(b) promote schemes providing for the assessment, work experience, training, sheltered employment and other suitable activities of disabled persons;

(c) promote the general well-being, recreational opportunities and welfare of disabled persons by assisting individuals to overcome social problems associated with physical or mental handicap;

(d) assist voluntary or charitable organisations engaged in the provision of services and facilities for the welfare of the disabled persons;

(e) foster close working relationships and consult the State Governments, hospital authorities and other bodies and organisations and professions concerned with training and rehabilitation of disabled persons and their placement in employment;

(f) cooperate with the Accident Compensation Commission in so far as its responsibilities relate to the promotion of the rehabilitation of persons who suffer personal injury by accident in respect of which they have cover under the Workmens' Compensation Act, 1923;

(g) promote the coordination of services and facilities designed to advance the welfare of disabled persons;

Measures  
for wel-  
fare of  
disabled  
persons.

(h) encourage and stimulate public interest in the provision of services and facilities for the welfare of disabled persons

Disabled  
Persons  
Welfare  
Board.

4. (1) **There shall be established a Disabled Persons Welfare Board for the welfare of disabled persons.**

(2) The Board shall consist of the following members to be appointed by the Government, namely:—

- (a) an officer of the Department of Social Welfare;
- (b) an officer of the Department of Health;
- (c) an officer of the Department of Labour;
- (d) an officer of the Department of Education;
- (e) a member or officer of the Accident Compensation Commission;
- (f) two Members of Parliament from Lok Sabha and one Member of Parliament from Rajya Sabha;
- (g) six other members to be appointed by the Government of whom at least three shall be actively engaged in providing services and facilities to disabled persons and at least one of the others shall be a disabled person.

Functions  
of the  
Board.

5. (1) It shall be the function of the Board to make recommendations to the Government on any matters relating to—

- (a) the provision of services, aids and facilities, within the community for the welfare of, and recreational opportunities for disabled persons;
- (b) the quality and requirements of services and facilities for the welfare of the disabled persons.

(2) Without limiting the generality of the functions set out in subsection (1) of this section, the Board may from time to time make recommendations to the Government on any matter relating to—

- (a) the determination of priorities and standards in the development of services and facilities, within the community, for the welfare, assessment, training, sheltered employment and day care of disabled persons;
- (b) the training requirements of, and the need to promote a career structure, for those engaged in the provision of services and facilities for disabled persons;
- (c) the areas of investigation for research into aspects relating to the welfare of disabled persons.

(3) The Board shall undertake such other assignments as may be referred to it from time to time by the Government.

Disabled  
Persons  
Welfare  
Fund.

6. **A fund to be called the Disabled Persons Welfare Fund shall be constituted by the Government to promote the welfare of the disabled persons.**

(2) The Fund shall consist of the sums paid into it by the Government and the grants given by the international agencies.

7. A specialist shall have the authority to certify whether a person is disabled and he shall also certify if an attendant is necessary to assist the disabled person.

Certificate of disability.

8. (1) When a disabled person is required to undertake a course of medical treatment as prescribed by a specialist or is required to be interviewed by an officer of the Department or to attend for medical examination or other educational or vocational or psychological assessment, the Government may, on receiving an application from that person in the prescribed form, authorise the payment to that person of the whole or such part, as the Government considers reasonable, of the costs of the fares, boarding and lodging, necessarily incurred by the person in connection with or in relation to that treatment or attendance as the case may be.

Expenses and other costs.

(2) If the specialist certifies that the disabled person requires an attendant, the Government may authorise the payment to the attendant of the whole or such part, as the Government considers reasonable, of the costs of fares, boarding and lodging, necessarily incurred by the attendant in connection with his so acting.

9. Where, in the opinion of a specialist, a disabled person requires a walking frame or other prosthetic appliance, or aid which is not available in the hospital or other institutions, the Government may, in its discretion arrange, after consultation with the specialist, for the device to be made available free of charge to the disabled person.

Provision of devices.

10. (1) Any voluntary or charitable organisation or institution shall apply to the Government, in the prescribed form, to get the organisation or institution approved for getting financial assistance from the Government.

Assistance to voluntary organisations.

(2) On receiving the application, the Government, after due enquiry and after satisfying that the home maintained by the voluntary or charitable organisation is suitable in size, has required amenities, staff, standards of care, and equipment for the welfare of disabled persons maintained therein or proposed to be maintained therein, may approve that organisation for giving financial assistance and also grant such sum as it thinks reasonable.

(3) If the voluntary or charitable organisation, to which approval and financial assistance has been given, sells the home or misuses the funds or ceases to provide services of the nature or standard consistent with the conditions under which the grant was made, the Government may cancel the approval to that organisation and may take such action, as it deems necessary, to make recovery of the grant given to the organisation or institution in part or in full.

11. (1) Any officer of—

(a) the Department of Social Welfare authorised by the Government;

(b) the Department of Health authorised by the Government;

Inspection.

(c) the Department of Works authorised by the Government, may at any reasonable time enter any home for the disabled persons and inspect any part thereof to ensure that the services provided are of a nature or standard consistent with the rules to be framed under this Act.

(2) Any such officer may at any time be accompanied by the specialist.

(3) A report, prepared in a prescribed form, may be forwarded to the Government by the inspecting officer.

Training,  
sheltered  
employ-  
ment,  
etc., for  
disabled  
persons.

**12. (1) The Government shall administer a programme for the training, sheltered employment and day care of the disabled persons.**

**(2) The Government shall make such arrangements, as they consider necessary, for disabled persons to—**

**(i) undergo assessment, and undertake training, for employment;**

**(ii) receive education or technical training with a view to employment;**

**(iii) obtain practical experience necessary in each case to qualify the disabled persons to undertake any employment that, in the opinion of the Government, is suitable having regard to any educational qualifications, skill, or aptitude of that disabled persons;**

**(iv) undertake employment in a sheltered workshop;**

**(v) enable them to attend an occupational centre for day care.**

Rehabi-  
litation  
allow-  
ance.

**13. (1) The Government may grant rehabilitation allowance to any disabled person if he fails to get employment within six months of his training or where no training is possible to be given.**

**(2) The rehabilitation allowance granted shall be at a rate determined to be appropriate in the circumstances by the Government, but shall not in any case exceed the maximum rate that may from time to time be prescribed by the Government.**

Power  
to make  
rules.

**14. The Central Government may make rules for carrying out the provisions of this Act and every rule so made shall be laid, as soon as may be after it is made, before each House of Parliament,**

## STATEMENT OF OBJECTS AND REASONS

The disabled persons are undergoing many difficulties as sufficient care is not taken by their family members towards them. In many of the families they are neglected and looked down upon. The disabled persons undergo mental torture at times and commit suicide also whenever they are not able to bear the difficulties.

Some of the voluntary and charitable organisations come to the forefront to help these disabled persons by giving training and day care but due to paucity of funds they are not able to continue their services.

Therefore Government should come to the rescue of the disabled persons, to provide them training and day care and rehabilitate them and also to provide financial assistance to such organisations which come forward to serve them.

Hence the Bill.

N. G. RANGA

NEW DELHI;  
*July* 28, 1980.

### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of a Disabled Persons Welfare Board. Clause 6 provides for the constitution of Disabled Persons Welfare Fund. Clause 8 provides for reimbursement of expenses and costs, incurred by disabled persons or their attendants, for medical treatment, etc. more Clause 9 provides for provision of devices to disabled persons. Clause 10 provides for giving financial assistance to the voluntary or charitable organisations maintaining disabled persons. Clause 12 provides for administering a programme and making arrangements for the training, sheltered employment, etc. Clause 13 provides for payment of rehabilitation allowance to disabled persons. The Bill, therefore, if enacted, is likely to involve an estimated recurring expenditure of about Rs. 10 crores from the Consolidated Fund of India.

A non-recurring expenditure of about Rs. 5 crores is also likely to be incurred.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10(1) of the Bill provides that the voluntary or charitable organisations should apply to the Government in a prescribed form to get the organisation or institution approved for getting financial assistance.

Clause 11(3) provides that the report of the inspecting officer should be sent in a prescribed form.

Clause 13(2) provides that the rate of rehabilitation allowance to be paid to disabled persons is to be fixed, from time to time, as prescribed by the Government.

Clause 14 empowers the Central Government to make rules for carrying out the purposes of the Bill.

Since the rules will relate to matters of detail only, the delegation of power is of a normal character,

## BULL No. 169 OF 1980

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the thirty-first Year of the Republic of India as follows:—

- |  |                               |
|--|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1980.  | Short title and commencement. |
| (2) It shall come into force at once.  |                               |
| 2. In clause (1) of article 19 of the Constitution, after <del>sub-clause (g)</del> , the following sub-clauses shall be inserted, namely:—        | Amendment of article 19.      |
| “(h) to get free legal aid;  |                               |
| (i) to get work or unemployment allowance in lieu thereof;   |                               |
| (j) to get free education;   |                               |
| (k) to get maintenance allowance in the conditions of old age, sickness and disablement;   |                               |
| (l) to seek and get remedy against concentration of wealth, means of production, transportation and trade in a few hands to the common detriment.” |                               |

## STATEMENT OF OBJECTS AND REASONS

Part III of the Constitution guaranteeing Fundamental Rights to the citizens of India is among its most vital parts. But Part IV containing Directive Principles of State Policy has remained simply a non-enforceable platitude. Fundamental human requirements like right to work, free education, free medical and legal aid, etc. do not find a place in the list of Fundamental Rights. Concentration of wealth in a few hands and poverty for the millions are polarising our society day by day.

This Bill strives to include in the category of Fundamental Rights some basic human requirements which already form part of the Directive Principles of State Policy in Part IV of the Constitution.

After completing thirty-three years of our independence it is high time that we include in our fundamental rights, guaranteed by the Constitution, some rights which are much more fundamental for all human beings.

Hence, this Bill.

BHOGENDRA JHA

NEW DELHI;

August 4, 1980.

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for free legal aid, right to work or unemployment allowance in lieu thereof, right to free education and maintenance allowance in conditions of old age, sickness and disablement. The Bill, therefore, if enacted is likely to involve a recurring expenditure of approximately of Rs. Two hundred crores from the Consolidated Fund of India.

A non-recurring expenditure of about Rs. Fifty crores is also likely to be incurred.



## BILL NO. 2 OF 1981

*A Bill to provide for the establishment of a permanent Bench of the High Court at Allahabad at Bareilly.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the High Court at Allahabad (Establishment of a permanent Bench at Bareilly) Act, 1981.

Short  
title.

2. There shall be established a permanent Bench of the High Court at Allahabad at Bareilly, and such Judges of the High Court at Allahabad, being not less than two in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Bareilly in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in Kumaon, Garhwal, Bareilly, Moradabad, Agra and Meerut Commissionaries of Uttar Pradesh.

Establish-  
ment of a  
perma-  
nent  
bench  
of High  
Court at  
Allaha-  
bad at  
Bareilly.

## STATEMENT OF OBJECTS AND REASONS

Bareilly city is a central place of northern and western part of Uttar Pradesh which is itself a very large province. People of north western part of Uttar Pradesh have to go nearly six hundred miles and are unnecessarily forced to spend a huge amount and sufficient time to reach Allahabad.

So in the large interest of people, to provide them with cheap and quick justice, it is necessary to establish a permanent Bench of the High Court at Allahabad at Bareilly.

Hence this Bill.

NEW DELHI;  
November 15, 1980.

HARISH CHANDRA SINGH RAWAT

## BILL NO. 5 OF 1981

*A Bill further to amend the Land Acquisition Act, 1894.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1981.

(2) It shall come into force at once.

Short  
title  
and  
com-  
mence-  
ment.

1 of 1894.

2. In the Land Acquisition Act, 1894, after section 17, the following section shall be inserted, namely:—

Insertion of  
new section 17A.

“17-A. (1) In the case of any land which is needed for any of the following public purposes, namely:—

Special  
proce-  
dure for  
land re-  
quired  
for pub-  
lic pur-  
poses.

(i) construction of a road, linking two or more villages or a village or villages to an existing road, or to a port, or to a railway station, or to any other public place like tank, play-ground, school, hospital, health centre, crematorium, burial place or the like; or

(ii) laying of pipe-line or for erection of stand-posts for supplying drinking water to a village or villages; or

(iii) construction of a cistern or cisterns for storing drinking water for a village or villages; or

(iv) erection of an electric tower or pole to supply electricity to a village or villages, under any crash programme or other programmes by whatever name designated, undertaken by the State or the Central Government,

the provisions of section 5A shall not apply and a declaration shall be made under section 6 in respect of the land at any time after the publication of notification under sub-section (1) of section 4.

*Explanation.*—“land” mentioned in this section shall not include building or buildings lawfully constructed and actually used for human residence, storage or cattleshed.

(2) After the declaration is made under section 6, sub-section (1), it shall be lawful for the Collector, on the expiration of fifteen days from the publication of the declaration, to take possession of the land. Such land shall thereupon, vest absolutely in the Government free from all encumbrances.”.

## STATEMENT OF OBJECTS AND REASONS

A first and primary step towards rural development is the infrastructural development. This includes principally, construction of roads, supply of drinking water and supply of electricity to the villages. The Government has, therefore, undertaken crash-programmes for construction of roads. It is the people's demand that the Government should undertake schemes for supply of drinking water to every village under a timebound programme, and the Government has also framed certain schemes therefor.

Diffusion of small-scale industries in the rural areas is a need and demand of the society. The small scale industries require, in addition to roads, supply of energy and supply of water. The Government has adopted certain schemes for this purpose also.

When the Government undertakes such infrastructural development many a time question of acquisition of land does arise. Where the land is available without difficulties such as by voluntary donation or by mutual understanding the programme does take a speed in its implementation. However, where the land is not so available the question arises as to whether methods of urgent compulsory acquisition of land are to be adopted. When the proceedings for compulsory acquisition of land are taken, under the existing laws, the resistance to such acquisition is unavoidable and delay is a certainty. Such resistance from the land-owners and consequent delay in the speedy implementation of the programmes frustrate the entire programme and upset the budgets, planning and aspirations and expectations of the people.

Under these circumstances it becomes imperative to find out a way for speedy acquisition of land without any hindrance from the land-owners. In order to achieve this, it is necessary to amend the Land Acquisition Act, 1894.

This Bill seeks to achieve the said object.

NEW DELHI;  
November 20, 1980.

A. T. PATIL

## BILL NO. 9 OF 1981

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short  
title.

1. This Act may be called the Constitution (Amendment) Act, 1981.

Amend-  
ment of  
article  
368.

2. In article 368 of the Constitution, for clause (5), the following clause shall be substituted, namely:—

“(5) For the removal of doubts, it is hereby declared that the power of Parliament to amend the Constitution conferred by this article does not include any power to make any amendment so as to affect the core or basic structure of the Constitution which shall mean and include:

- (a) supremacy of the Constitution;
- (b) republican and democratic form of Government;
- (c) secular character of the Constitution;
- (d) separation of powers between the legislature, the Executive and the Judiciary;
- (e) federal character of the Constitution; and
- (f) dignity and freedom of individual.”.

### STATEMENT OF OBJECTS AND REASONS

There are divergent opinions amongst jurists, Constitutional experts, legislators and Judges about the limitations on power of Parliament to amend the Constitution. Even the Courts in the country have taken different views at different times. This question is repeatedly raised before different forums and contradictory views are expressed. It is, therefore, necessary to settle the scope of amending power of Constitution.

Reading the Preamble of the Constitution, the fundamental importance of the freedom of the individual, indeed its inalienability and the importance of the economic, social and political justice mentioned in the Preamble, the importance of Directive Principles, the non-inclusion in article 368 of provisions like articles 52 and 53 and various other provisions, an irresistible conclusion emerges that it was not the intention to use the word 'amendment' in the widest sense. It is a common understanding that the fundamental features of the Constitution, namely, secularism, democracy and the freedom of the individual would always subsist in welfare State.

In view of the above reasons, a necessary implication arises that there are implied limitations on the power of Parliament and the expression 'amendment' of the Constitution has consequently a limited meaning in our Constitution.

Some people on the contrary appeal fervently to democratic principles and urge that there is no limit to the power of Parliament to amend the Constitution.

If this is so, a political party with the requisite two-third majority in Parliament for a few years could so amend the Constitution as to debar any other political party from functioning, establish totalitarianism, enslave the people, destroy the federal and secular character of the Constitution and republican and democratic form of Government and after having effected these purposes make the Constitution unamendable or extremely rigid. This would no doubt invite extra-constitutional-revolution.

In order to settle the dispute about the power of Parliament to amend the Constitution and to avoid the possibility of destruction of Supremacy of Constitution, Republican and democratic form of Government, secular and federal character of the Constitution and dignity and freedom of the individual, this Bill is being brought up.

NEW DELHI;  
November 21, 1980.

BAPUSAHEB PARULEKAR

## BILL NO. 11 OF 1981

*A Bill further to amend the General Clauses Act, 1897.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short  
title and  
commen-  
cement.

1. (1) This Act may be called the General Clauses (Amendment) Act, 1981.

(2) It shall come into force at once.

Substitu-  
tion of  
section 23.

2. In the General Clauses Act, 1897, for section 23, the following section shall be substituted, namely:— 10 of 1897.

Provisions  
applicable  
to making  
of rules  
or bye-  
laws.

“23. Where, by any Central Act or Regulation, a power to make rules or bye-laws is expressed to be given to Government or any other authority, then, unless otherwise expressly provided in the said Act or Regulation, the following provisions shall apply to making of rules or bye-laws, namely:—

(i) the authority having power to make the rules or bye-laws shall, before making them, publish a draft of the proposed rules or bye-laws for the information of persons likely to be affected thereby;



(ii) the publication shall be made in the manner, if any, provided in the said Act or Regulation, and in the absence of such provision, in the manner as that authority deems to be sufficient;

(iii) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(iv) the authority having power to make the rules or bye-laws, and, where the rules or bye-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or bye-laws from any person with respect to the draft before the date so specified;

(v) the publication in the Official Gazette of a rule or bye-law purporting to have been made in exercise of a power to make rules or bye-laws shall be conclusive proof that the rule or bye-law has been duly made;

(vi) every rule or bye-law so made shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the bye-law or both Houses agree that the rule or the bye-law should not be made, the rule or the bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or bye-law."

## STATEMENT OF OBJECTS AND REASONS

With the diverse activities of the State, it becomes imperative to delegate powers to the Government or other bodies to make rules necessary to give effect to the object and purposes of almost every Act. This delegation of powers to the executive is either an erosion or an abdication of the powers of Parliament and consequent diminution of democracy. Some Acts, therefore, make an express provision in the Act itself that the rules made by the rule making authority under the Act shall be laid before Parliament for their scrutiny.

Since the delegation of power to make rules is a general feature, it is thought expedient to make a general provision in the General Clauses Act, 1897 itself for laying the rules before Parliament, as a necessary formality in making the rules.

Where the Act itself expressly provides, although exceptionally, that such a formality need not be observed, the rules made under the act need not be placed before Parliament for their scrutiny. This Bill seeks to achieve the aforesaid objects.

NEW DELHI;  
November 21, 1980.

A. T. PATIL

## BILL No. 19 OF 1981

*A Bill further to amend the Land Acquisition Act, 1894.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Land Acquisition (Amendment) Act, 1981. Short title.

1 of 1894.

2. In section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), in sub-section (2), the following proviso shall be added at the end, namely:— Amendment of section 17.

“Provided further that the land shall not be acquired under this sub-section if the possession is not taken within one year from the date of notification under section 4, sub-section (1).”.

3. In section 23 of the principal Act, in sub-section (1),—

(i) after the words “first, the market value of the land at the date of the publication of the notification under section 4, sub-section (1)”, the words “but if the possession of the land is taken after more than one year of the date of publication of such notification, the market value of the land at the date one year before the date of taking possession” shall be inserted;

Amendment of section 23.

(ii) the following shall be added at the end, namely:—

“seventhly, the market value of the land in no case shall be less than the market value fixed by the concerned State Government for the purpose of determining stamp duty chargeable on sale of land;

eighthly, if the land is acquired for housing purposes, the market value shall not be less than the average sale price per square metre of land which shall be determined as one-third of the total of the minimum, medium and maximum sale price per square metre stipulated in the sale deeds of such type of land.”.

## STATEMENT OF OBJECTS AND REASONS

In case of urgency, the Government acquires land under section 17 of the Land Acquisition Act, 1894. If the possession of such land is not taken within one year from the date of publication of notification under section 4, it no more remains a case of urgency and, therefore, such land should not be acquired thereafter. Moreover, the compensation for the acquired land, determined in accordance with the provisions of section 23, is less than the market value fixed by the appropriate Government for the purpose of stamp duty chargeable on sale of such land. It is, therefore, necessary to amend sections 17 and 23 of the Act.

Hence this Bill.

NEW DELHI;  
December 8, 1980.

DIGAMBAR SINGH

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that in case the possession of the land, notified to be acquired, is taken by the Government after more than one year of the date of publication of notification under section 4(1) of the Land Acquisition Act, 1894, the market value of the land at the date one year before the date of taking possession will be taken into consideration while determining the amount of compensation under section 23(1). In such cases compensation may have to be paid by the Government at a higher rate in case the possession of land is taken more than one year after the date of publication of notification. Where the land is to be acquired for the purposes of the Union, the Central Government will have to pay compensation at a higher rate in case the Bill is enacted. A recurring expenditure of about Rs. 10 lakhs is, therefore, likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred in this connection.

## BILL NO. 17 OF 1981

*A Bill further to amend the Aligarh Muslim University Act, 1920.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Aligarh Muslim University (Amendment) Act, 1981.

Short  
title.

40 of 1920. 2. Notwithstanding anything contained in the Aligarh Muslim University Act, 1920, the Statutes of the University shall be amended as follows:

Amend-  
ment of  
Statutes.

(i) throughout the Statutes, for the words "Head of Department" wherever they occur, the words "Chairman of Department" shall be substituted, and such consequential amendments as the rules of grammar may require shall also be made;

(ii) for Statute 1, the following Statute shall be substituted, namely:—

"(1). (1) The Chancellor shall be elected by the Court by a simple majority in accordance with the Regulations made by the Court.

The  
Chancel-  
lor.

(2) The Chancellor shall hold office for a term of three years and shall be eligible for re-election.

(3) The Chancellor shall, if present, preside over the convocations of the University held for conferring degrees and the meetings of the Court.

(4) Every proposal for the conferment of an honorary degree shall be subject to the confirmation by the Chancellor.”;

(iii) for Statute 1A, the following Statute shall be substituted, namely:—

The  
Pro-  
Chancel-  
lor.

“1A. (1) The Pro-Chancellor shall be elected by the Court by a simple majority in accordance with the regulations made by the Courts.”

(2) The Pro-Chancellor shall hold office for a term of three years and shall be eligible for re-election.

(3) Any Casual vacancy in the office of the Pro-Chancellor shall be filled by the Chancellor on the recommendation of the Executive Council and the person so appointed shall hold office until the next annual meeting of the Court.

(4) The Pro-Chancellor shall, in the absence of the Chancellor, perform the functions of the Chancellor.”;

(iv) in Statute 2, for clauses 1 and 2 the following clause shall be substituted, namely:—

“(1) The Vice-Chancellor shall be appointed by the Visitor from a panel of at least three persons recommended by the Court from a panel of five persons recommended by the Executive Council:

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations only once.”;

(v) in Statute 3—

(a) clause (1) shall be renumbered as clause (1A) and before clause (1A) as so renumbered, the following clause shall be inserted, namely:—

“(1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.”;

(b) after clause (3), the following clause shall be inserted, namely:—

“(4) The Vice-Chancellor may, if he is of opinion that immediate action should be taken on any matter, the Vice-Chancellor shall take such action as he deems necessary and report the same for confirmation at the next meeting

of the authority which in the ordinary course would have dealt with the matter:

Provided that if the action taken by the Vice-Chancellor is not approved by the authority concerned, it may modify or reverse such action by a resolution passed by a majority of two-thirds of its total membership.”;

(vi) after Statute 4, the following Statute shall be inserted, namely:—

“4A. (1) The Honorary Treasurer shall be elected by the Court by a simple majority in accordance with the regulations made by the Court from a panel of names recommended by the Executive Council.

Honorary  
Treasurer.

(2) The Honorary Treasurer shall hold office for a term of 3 years.

(3) The Honorary Treasurer shall:—

(a) Subject to the control of the Executive council, manage the property and investments of the University and be responsible for the preparation of the annual accounts and the financial estimates and for their presentation to the Executive Council and the Court;

(b) Subject to the control of the Executive council be responsible for seeing that all monies are expended on the purpose for which they are granted or allotted;

(c) sign all contracts made on behalf of the University;

(d) convene meetings of the Finance Committee; as may be prescribed by the Statutes or the Ordinances”.

(4) The receipt of the Treasurer or of the person/persons duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for the same.”;

(vii) For Statute 8, the following Statute shall be substituted, namely:—

“(8) Each Department shall have a Chairman who shall be appointed by the Executive Council from amongst the professors, Readers and Lecturers in the Department, having completed ten years of continuous permanent service by rotation according to seniority and shall hold such office for a period of three years:

Chair-  
men  
of Depart-  
ments.

Provided that if the Chairman of a Department resigns from his office or is unable to perform duties of his office, the next senior most person in the Department shall act as Chairman.”;

(viii) statute 9 shall be omitted;

(ix) in Statute 13, for clause (2), the following clauses shall be substituted, namely:—

“(2) The Librarian shall be a member of the Board of Studies of the Department of Library Science.

(3) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.”;

(x) For Statute 14, the following Statute shall be substituted, namely:—

“14. (1) The Court shall consist of the following members, namely:—

*Ex-officio Members*

- (i) Chancellor;
- (ii) Pro-Chancellor;
- (iii) Vice-Chancellor;
- (iv) Pro-Vice Chancellor;
- (v) Honorary Treasurer;
- (vi) All Ex-Vice Chancellors;
- (vii) Librarian;
- (viii) Three provosts by rotation according to seniority;
- (ix) Proctor

*Representatives of the Departments and Colleges*

(x) Chairmen of Departments by rotation according to seniority from each Faculty, as shown below:—

|                               |        |       |
|-------------------------------|--------|-------|
| Faculty of Commerce           | —      | 1     |
| Faculty of Arts               | —      | 2     |
| Faculty of Science            | —      | 2     |
| Faculty of Social Sciences    | —      | 2     |
| Faculty of Engg. & Technology | —      | 2     |
| Faculty of Medicine           | —      | 2     |
| Faculty of Law                | —      | 1     |
| Faculty of Theology           | —      | 1     |
|                               |        | <hr/> |
|                               | TOTAL: | 13    |
|                               |        | <hr/> |

- (xi) Five Principals of Colleges — 5

*Representatives of teachers other than Chairmen of Departments and principals of Colleges*

(xii) Ten teachers to be elected from amongst themselves of whom at least one shall be a professor, two will be Readers and four will be Lecturers,



(xiii) Two teachers of the Schools maintained by the University to be elected from amongst themselves.

*Representatives of ex-students*

(xiv) Twenty-five representatives of ex-students to be elected by the Aligarh Muslim University old Boys Association.

*Representatives of Donors*

(xv) Two persons from amongst those who make or who have made a donation of Rs. one lakh or more to the University to be elected from amongst themselves.

(xvi) Ten representatives of donors who have donated at least a sum of Rs. 5000/- or transferred property worth at least Rs. 5000/- or more to be elected from amongst themselves.

*Representatives of Learned Professions'  
Industry and Commerce*

(xvii) Ten Muslims representing the Learned professions to be elected by the Court, of whom at least five shall be persons domiciled outside the State of Uttar Pradesh.

(xviii) Five Muslims representing Industry and Commerce to be elected by the Court.

(xix) Five representatives of the All India Muslim Educational Conference.

*Representatives of Parliament and/or State Legislatures*

(xx) Five Muslim members of Parliament to be elected by the Members of Parliament from amongst themselves of whom three shall be from the Lok Sabha and two from the Rajya Sabha.

(xxi) One Muslim Legislator each from House/Houses of all States to be elected by the House concerned.

*Representatives of Muslim culture and learning*

(xxii) Ten persons representing Muslim Culture and learning to be elected by the Court.

*Representatives of Muslim Colleges and Oriental institutions*

(xxiii) Six persons representing Muslim Colleges and oriental institutions, not under the control of the University, to be elected by the Court of whom at least three shall be from outside the state of Uttar Pradesh.

(xxiv) Four persons to be elected by the court from amongst the Chairmen or the presidents of the Waqf Boards.

(xxv) Two persons representing Urdu language and literature to be elected by the Court.

*Representatives of Students*

(xxvi) Ten representatives of the students to be elected by the students in accordance with the rules framed by the Aligarh Muslim University Students Union of whom three will be the office bearers of the Aligarh Muslim University Students Union:

Provided that no student other than the Union office Bearers shall be eligible for election to the Court unless he is a graduate.

*Representatives of Non-Teaching Staff.*

(xxvii) Six representatives of the Non-Teaching staff to be elected as under:—

(a) Two representatives to be elected by the Administrative and Ministerial staff of the University from amongst themselves;

(b) Two representatives to be elected by the Technical Staff of the University from amongst themselves;

(c) Two representatives to be elected by the class IV employees of the University from amongst themselves.  
*Nominated Persons*

(xxviii) Three persons to be nominated by the visitor;

(xxix) One person to be nominated by the Rector;

(xxx) One person to be nominated by the Chancellor:

Provided that no employee of the University shall be eligible to be a member under sub-clause (XXV) and (XXVI) to (XXX),

(2) All the members of the Court, other than *Ex-Officio* members, shall hold office for a term of three years and an *ex-Officio* member shall cease to be a member of the Court as soon as he vacates the Office by virtue of which he is such a member:

Provided that a student-member shall held office for a term of one year or till such time as he continues to be the student, which ever is earlier.”;

(xi) for Statute 15, clause (2), the following clause shall be substituted, namely:—

“(2) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (1) shall be sent by registered post to every member of the Court at least 30 days before the date of the annual meeting.”;

(xii) for clause (2) of Statute 15 the following clause shall be substituted, namely:—

"(3) One Third of the members of the Court shall form a quorum.";

(xiii) in Statute 16, clause (I)—

(a) after sub-clause (ii) the following sub-clause shall be inserted, namely:—

"(iiA) Treasurer;"

(b) for sub-clause (vi), the following sub-clause shall be substituted, namely:—

"(vi) Three teachers to be elected by the teachers of the University from amongst themselves, by simple majority vote;"

(c) for sub-clause (vii), the following sub-clause shall be substituted, namely:—

"(vii) Eight persons to be elected by the Court from among its Members by simple majority vote none of whom shall be an employee or a student of the University or a college maintained by the University of whom at least three shall be persons domiciled out side the State of Uttar Pradesh.";

(d) in sub-clause (viii) for the words "four" the words "two" shall be substituted;

(e) after sub-clause (viii), the following sub-clause shall be inserted, namely:—

"(ix) One person to be nominated by the Chancellor.";

(xiv) In Statute 18, clause (1)—

(a) sub-clause (vii) shall be omitted;

(b) for sub-clause (x), the following sub-clause shall be substituted, namely:—

"(x) Fifteen University teachers to be elected by all the teachers of the University by simple majority vote of whom two shall be professors, five shall be Readers and eight shall be Lecturers.";

(c) after sub-clause (xii), the following sub-clause shall be inserted, namely:—

"Five Students of whom three shall be office bearers of the Students' Union and two to be elected by the Students from amongst themselves, in accordance with the rules to be framed by the Students' Union:

Provided that no student who has passed the High School or any equivalent examination more than eight years earlier or the pre-University or equivalent examination more than seven years earlier, or has taken more than one year in excess of the period prescribed for the course for which he is a student, shall be eligible for election as a member of the Academic Council:

Provided further that no student member of the Academic Council shall participate in the discussions in

respect of matters relating to examinations, Selection Committees and conditions of service of the teaching staff.”;

(xv) in Statute 18, in clause (2), after the words “two years” the words

“but the term of office for student members shall be one year or until they remain student, whichever is earlier.” shall be inserted;

(xvi) in Statute 22, in clause (1), after sub-clause (v), the following sub-clause shall be inserted, namely:—

“(vi) Two Students to be elected by the postgraduate and research students of the Department from amongst themselves.”;

(xvii) In Statute 22, after clause (2), the following clause shall be inserted, namely:—

“(2A) The members referred to in 22(1) (vi) shall hold office for a period of one year or so long as they continue to be the student of the University, whichever is earlier.”;

(xviii) In Statute 22, in clause (3), after the existing proviso, the following proviso shall be inserted at the end, namely:—

“Provided further that student members of the Board of Studies shall not participate in its functions as enumerated in 22(3) (a) (ii), 22(3) (a) (iii), 22(3) (a) (iv), 22(3) (a) (vii) and 22(3) (b).”.

(xix) Statute 24 shall be omitted;

(xx) Statute 25 shall be omitted;

(xxi) In Statute 26, in clause (1), after sub-clause (v), the following clause shall be inserted, namely:—

“(vi) Honorary Treasurer.”;

(xxii) in Statute 26, for clause (8), the following clause shall be substituted, namely:—

“(8) The Finance Committee, subject to the approval of the Executive Council, shall fix limits for the recurring expenditure for the year based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans). No expenditure shall be incurred by the University in excess of the limits so fixed.”;

(xxiii) in Statute 28, the words “standing or” shall be omitted;

(xxiv) in Statute 29, in clause (2), in sub-clause (a), for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that the services of a teacher at any time during the probationary period shall not be terminated without assigning reasons.”;

(xxiv) in Statute 29, in clause (2), in sub-clause (b), in part (ii), after the existing provisions; the following proviso shall be inserted at the end, namely:—

“Provided further that in case of appointment of a teacher in a college, the Principal of that college and the Section Incharge shall also be the *Ex-officio* members of the selection committee constituted for such appointment.”;

(xxvi) in Statute 29, for clause (9), the following clause shall be substituted, namely:—

“(9) All teachers of the University shall, if they are not employed for a fixed period, retire at the age of sixty years. The Executive Council may, however, in the interest of the University grant extension of service upto the age of sixty-three. Such an extension, wherever given, shall be given for the full period of three years at a time.”;

(xxvii) for Statute 30, the following statute shall be substituted, namely:—

“30. (1) The seniority of an employee of the University shall be determined according to the length of continuous service of such employee in a grade or post as the case may be.

*Explanation:—*

Continuous service in a grade or post shall include the period for which a person has held a post in the officiating or temporary capacity immediately before being appointed to it substantively.

(2) if the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any person concerned, submit the matter to the Executive Council whose decision thereon shall be final.”;

(xxviii) after Statute 31, the following statutes shall be substituted, namely:—

“32. (1) There shall be Students' Union in the University.

(2) The Constitution of the Students' Union shall be framed by the General Body of the Students' Union.

(3) Every student of the University shall be deemed to be a member of the Students' Union.

33. (1) There shall be a Teachers' Association in the University.

(2) The constitution of the Association shall be framed by the General Body of Teachers Association.

34. (1) There shall be four Associations or Unions representing the following categories of staff:—

- (i) Administrative, Ministerial, etc.
- (ii) Technical;
- (iii) Class IV; and
- (iv) School Teachers.

(2) The constitution of the Associations or Unions shall be framed by the General Body of the respective Association or Union.”;

(xxix) in appendix A to Statute 61, for clause (18), the following clause shall be substituted, namely:—

“18. An employee who has completed five years qualifying service at the University shall be granted a gratuity as distinct from the gratuity referred to in clause 14 of section 11 in accordance with the scale of gratuity stipulated in the table appended (Schedule ‘C’). The gratuity shall be payable on his retirement from the service of the University. In the event of his demise, the gratuity shall be payable to the nominee of the deceased in the manner prescribed by the Ordinances. No gratuity shall be payable on dismissal or removal from the service of the University for mis-conduct, insolvency or inefficiency not due to age.”;

## STATEMENT OF OBJECTS AND REASONS

India is a multi-religion country and its strength lies in the fact that all communities living in the country are free to establish educational and other institutions of their own choice. The Government have introduced in Parliament an Amendment Bill to remove the doubts in the minds of Muslim community regarding the character of Muslim Universities. But the amendment of the Aligarh Muslim University Act would be meaningless and would become redundant if Statutes are not amended to satisfy the sentiments of the Muslim community. It is, therefore, necessary to introduce a Bill in the Parliament to achieve this objective.

Hence this Bill.

NEW DELHI;  
December 11, 1980.

RASHEED MASOOD

## BILL NO. 15 OF 1981

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short  
title.

1. This Act may be called the Constitution (Amendment) Act, 1981.

Amend-  
ment of  
article  
31B.

2. Article 31B of the Constitution shall be renumbered as clause (1) thereof and after clause (1) as so renumbered, the following clause shall be inserted, namely:—

“(2) All laws made by Parliament or the Legislature of a State for imparting social and economic justice to the weaker sections of citizens shall be included in the Ninth Schedule to the Constitution.”



## STATEMENT OF OBJECTS AND REASONS

In the Constitution, we have adopted socialism and democracy as the basic objectives. The process of obtaining the objectives of socialism is going slow because many times the legislation for social and economic justice is struck down by the Judiciary as ultra-constitutional. Article 31B already provides for validation of Acts and Regulations included in the Ninth Schedule but this protection has often not been extended to legislation meant for social and economic justice. The proposed amendment makes a blanket provision for inclusion in the Ninth Schedule of all such legislation which are meant for economic and social justice.

Hence this Bill.

NEW DELHI;  
December 17, 1980.

BALASAHEB VIKHE PATIL.

## BILL No. 6 of 1981

*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short  
title and  
commen-  
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1981.

(2) It shall come into force at once.

Amend-  
ment of  
article 51.

2. In article 51 of the Constitution, after clause (d), the following clause shall be inserted, namely:—

“(e) collaborate with other nations for the early formation of a World Constituent Assembly to draft the Constitution for a World Federal Government.”.

## STATEMENT OF OBJECTS AND REASONS

The time is opportune, nay ripe, for all good men and good governments of the world to get together and make earnest efforts for convening a World Constituent Assembly as a preparatory step towards the establishment of a Parliament of Man and Federation of the World. War cannot be abolished, nor can a warm living peace descend on earth, unless such a world order based on World Law is firmly founded.

Hence this Bill.

NEW DELHI;  
*January 2, 1981.*

EDUARDO FALEIRO

## BILL NO. 13 OF 1981

*A Bill to provide employment to all citizens of not less than 25 years of age, payment of unemployment allowance and for unemployment insurance scheme.*

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:

Short  
title,  
extent and  
commen-  
cement.

1. (1) This Act may be called the Providing of Employment, Payment of Unemployment Allowance and Unemployment Insurance Scheme Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Employ-  
ment to  
all citi-  
zens.

2. Employment shall be provided to all the citizens of the country, irrespective of caste, creed and faith who have attained the age of 25 years and have registered themselves with the Employment Exchange.

Registration at Employment Exchange.

3. Every citizen who has attained the age of 25 years and who requires employment shall register himself at the Employment Exchange.

Grant of unemployment allowance.

4. Till such time as employment is provided, the citizen shall be granted a fixed allowance of Rs. 100 per month:

Provided that in the case of a citizen who has acquired matriculation or higher qualification, the allowance shall be Rs. 200 per month.

Unemployment Insurance Scheme.

5. An unemployment Insurance Scheme shall be started so as to provide for a special fund for the grant of subvention under this Act.

Contribution to Unemployment Insurance Scheme.

6. The citizen shall be eligible to receive the benefit under section 4 subject to his furnishing a declaration to contribute to the Unemployment Insurance Scheme immediately after securing employment.

Power to frame rules.

7. (1) The Central Government, may by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

In a vast country like India the problem of unemployment has assumed menacing proportions. Even the educated citizens are reduced to a state of begging for their living. The youth of the country are drifting to a state of lawlessness and drug taking representing thus a national waste. Lack of opportunities for gainful employment in the country have also led to a brain drain and exodus of a large number of skilled persons abroad. The time has now come for a concentrated effort to assure employment to the citizens of the country and to provide unemployment relief to the citizens of the country who have not been able to secure employment. It is also necessary to promote unemployment insurance scheme for the purpose, so that the scheme will serve to finance the funds for unemployment relief.

NEW DELHI;  
January 14, 1981.

B. V. DESAI

## FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide unemployment allowance to the citizens who have attained the age of 25 years or above. This provision involves an initial expenditure. The initial requirements of the scheme may be approximately to the tune of Rs. 100 crores from the Consolidated Fund of India.

No recurring expenditure is likely to be involved from the Consolidated Fund of India in view of the provisions of clause 6 of the Bill.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. The matters with respect to which rules may be framed are matters of detail. The delegation of the legislative power is, therefore, of a normal character.

AVTAR SINGH RIKHY,

*Secretary.*

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